to recommend, in relation to "Office of Profit", the evolution of generic and comprehensive criteria which are just, fair and reasonable and can be applied to all States and Union Territories;

to examine the feasibility of adoption of system of law relating to prevention of disqualification of Members of Parliament as existing in the United Kingdom and considered by the Constitution (Forty-second Amendment) Act, 1976; and

to examine any other matter incidental to the above.

That in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee.

That the Joint Committee shall make a report to this House by the first day of the last week of the next Session (Winter Session) of Parliament.

That in other respects, the Rules of Procedure of the Lok Sabha relating to the Parliamentary Committees shall apply with such variations and modifications as the Speaker may make.

That this House accordingly concurs in the recommendation of the Lok Sabha that this House do join the said Joint Committee and resolves that five Members from the Rajya Sabha be nominated by the Chairman, Rajya Sabha to serve on that Committee."

The motion was adopted.

PRIVATE MEMBERS' RESOLUTIONS

Removal of difficulties being experienced by various States while delimiting constituencies

MR. DEPUTY CHAIRMAN: Further discussion on the Private Members' Resolution moved by Shri V. Narayanasamy on the 19th May, 2006. Dr. M.S. Gill to speak.

DR. M.S. GILL (Punjab): Sir, we have been discussing this matter of delimitation and the work of the Commission for sometime in this House and, I think, in the last Session we had a very extensive debate. Sir, the Constitution provides for a Census every ten years and India has the proud history of having a very efficiently conducted Census without fail. Many of

the countries have not been able to carry this on, even our neighbours in the sub-continent. Census is also to be followed by a Delimitation Commission to reorganise voters' constituencies, State and parliamentary, in order to ensure what the Constitution requires and fundamental justice requires ...(*Interruptions*)... that constituencies, at whichever level, should be, as far as possible, on voters' strength and, therefore, more or less on population. It was found, I think, in the 70s that due to an unexceptional increase of population in certain northern States and good family planning and decrease of population in southern States, some States -- I recall Tamil Nadu -- in revision lost a parliamentary seat of representation. While a northern State, for increase in population, got the benefit. This, I think, was objected to and protested against legitimately in my eyes. In think, in the early 70s, when Shrimati Indira Gandhi was the Prime Minister, the Parliament, in its good wisdom, unanimously, amended the Constitution to put off all delimitation for 30 years.

Now, that solved a political conundrum at that time. But, 30 years had to pass and they passed some years back. I am talking from my experience in my old job as the Chief Election Commissioner. I had also been looking at it. Then, we did discuss it. I called an all-party meeting and put it to them that, you see, 30 years have also caused tremendous distortions. And, I used to give the example of Delhi. In Outer Delhi, all the rural areas, all the farming community of Delhi, 34 lakhs of people were in a single constituency, and Chandni Chowk was less than 4 lakhs. So, one MP got this benefit and one got that great trouble of trying to win a seat of 34 lakhs or so. It simply implied, in other language, that a voter in Chandni Chowk was 8 times more worth than a voter in Outer Delhi villages. And, this is certainly not right; in my view, would be unconstitutional. Therefore, I put it to all the parties that please, look at this, while I can understand the sensitivity that you cannot punish those who control population and reward those who go on increasing it to the detriment of the country. That is true. And, I said it publicly also. But, at the same time, while you may say that Delhi will always have 7 Parliamentary seats, Punjab may always have 13 parliamentary seats, but, within Punjab, within Delhi, within UP, within Tamil Nadu, you must balance those many seats properly, because you have what I described of Delhi. Similarly, you do it for your Assembly seats, because there also, the distortions are there. I think, my argument went through and then we found, as you all know, ultimately, the then Government appointed a Delimitation Commission on the pattern of what they have been for long years since Independence. There have been a

number of Commissions. And, that Commission was working. I realise I am also aware of political matters -- that it is very painful to have these changes because anyone who has to go to the people for votes, as all of you do go, and I respect those who go to the people for votes because they are really effective representatives of the masses of India. Lok Sabha, I am talking of. And, I realise the pain it causes when you have a huge change, as Delhi is bound to have, because that 4 lakhs had to be increased to 15 lakhs and that 34 lakhs had to be cut down to 15 lakhs and then distributed around. And, whatever any Commission would do would cause pain, and would cause unhappiness, and in all parties. Therefore, that happened, and, I think, then, a year and a half ago, that work was stopped a bit on the argument that no, no, we did not tell you to come up to the latest Census as we should have. But that was somehow done. And, now you take the 2001 Census -- that is what, I think, they are doing-- and then try to balance out. That work, whatever I know from a distance, is going on, and, I think, going on well. The Commission has the usual pattern of a Supreme Court Judge, with two members -- one from the Election Commission, one from the State Election Commission -- and then with other representatives of the public. I only have to say, with my background and knowledge, in the larger interest of the country, that the delimitation work must be completed at the earliest, in the best professional way and in the best sensible way and in the fairest way and taking into account what the law and the Constitution says, as you passed at that time in your Parliamentary Bills, and I think, you amended in past. Naturally, they have to obey those directions of Parliament because Parliament appoints the Delimitation Commission. They must do that. I would also say that on the Commission, the views and the worries of the representatives of the public, through the hon. Members of Parliament or the State Assemblies, must be given full and weighty consideration. But, of course, I would also say that that can only be within the parameters of the law and the directions in the law passed by Parliament in appointing those people. That limitation, I think, all should understand. But, with that kind of caveat, I would say, you have to go forward and finish it, and you have to go and complete it in a sensible way. I am aware that in some States on our frontier, on our islands, our small tribal groups have been given a single parliamentary seat. I have been to Lakshadweep islands when I think the population was not 70,000, leave alone the number of voters. Similar is the case with some North-Eastern States like Meghalaya and Sikkim. I am aware that they get a parliamentary seat because India must have all its people somehow

represented here, if it is a true democracy. That I understand. I personally admire and appreciate the flexibility of Parliament and the law in trying to accommodate all our people to have a voice here whether this House or that House. But having said that, I would also say that you would find it difficult if you carry it too far and try to put one group against another group, this caste against that, and mountains against lower plains. You will find the caste argument in India in every field. If you try to do that, you will have no end of trouble. Ultimately, democracy requires representation of voters, and voters, whether of Punjab or Tamil Nadu or of anywhere else, must have equal or roughly equal value. Some odd ones you do for very weighty reasons. But if you try to do something extensively, then you are going to get into trouble, and I think then you have to worry about it. I also want to explain to you what is happening there. I suggested to them and it was taken up. I said, leave the parliamentary representation in Parliament. As I have explained, all of you know that you will get the same number of seats as you used to get. So, Tamil Nadu is happy that it will not be reduced and somebody else will not be increased. That is fine. Punjab has 117 seats. They have to be balanced. Similarly, within States if you try to think, and I can think of some of the hilly States, which have somehow -- I would not have recommended it -- taken plain areas also into their boundary for other reasons, economic reasons. The plain areas are always more populated than the higher areas. Now, if you have taken them, then you have to give them the rights. If you try to say that one of us should be equal to five of them, you would not be able to do it and you will have trouble. You can try to do it. But by doing this, you will get yourself into huge trouble. If you try to apply the same principle within States for other reasons -- which are not so valid, because we all know what is logical and valid in democracy and what is not -- then you will have difficulty. So, I would only caution that those are not the ideas one should try to take. But my main message is, please, carry out this delimitation without further delay. Have the fairness of more or less equal seats in every State, so that all candidates, all parties, all winners and losers get an equal chance. It cannot simply be that a man from Chandni Chowk constituency is worth eight men in the constituency from Outer Delhi. But if you go on delaying this for one reason or the other, then this is what you will be doing, because some time you have to bite the bullet, as Americans say. My friend, Narayanasamy, is looking at me. Since he is smiling, it is all right as far as I am concerned. I also smile, as you know. This is the only thing I have to say. Nothing more. But I do want to focus everybody's attention

to the need to have a good, proper, and reasonable delimitation done. I do very much emphasise that the Commissioners there should listen to the people as much as they can. They should listen to the people's voice which is represented through the people's representatives on each meeting whether it is on Tamil Nadu or Punjab or Haryana. Thank you, Sir.

DR. GYAN PRAKASH PILANIA (Rajasthan): Sir, we have heard to very sane, sanguine, and very valid advice of Dr. M.S. Gill. I support the views he has put forward. Delimitation Commission is a product of the Constitution. It aims at equality of opportunity. Its basic principle is natural justice which demands that each elected representative should represent more or less the same number of electorates and it is here that the crucial element of delimitation of constituencies comes into play. The Delimitation Commission should get the same kind of regard, respect and care as any higher judicial commission gets from us, even more than that and that's why, Sir, it has been provided in the Act that its decision shall not be justiciable. It is only to ensure and insulate it from vagaries of political wrangling and from somehow managing things that it has been given a special status. At the end of the first elections, the Election Commission recommended to the Government that the future delimitation of constituencies should be made by an independent commission, more or less judicial in composition and the decisions of such a commission should be made final and binding. That advice is still very valid; that advice is still very sanguine and hence, we should not tinker with the Delimitation Commission's findings. Luckily, it is headed by one of the most eminent judicial functionaries in the country, a Supreme Court Judge, known at that time as a Green Revolution Judge, who gave certain landmark judgments and he is assisted by able Election Commissioners also. So, there is no need of tinkering with the Delimitation Commission. The only thing is that the Delimitation Commission should finalise delimitation and readjustment of territorial constituencies on the basis of census figures of 2001 at the earliest possible. Earlier it is done, better it is.

Sir, I do not agree with our hon. Member who has moved this Resolution, that there should be voting right to five MPs from Lok Sabha and five MLA, from Legislative Assembly, pertaining to a particular State. It has been very rightly done that they do not have voting right because that will give a kind of political colour or a kind of biased vision to the findings of the Delimitation Commission. I further endorse what Dr. Gill has said. Let

us have faith in the Delimitation Commission. Let us place whatever difficulties we have before it and let them consider them. But once a final judgment has been given, as it is binding by law, let us accept it willingly and let us rejoice in whatever the Delimitation Commission does. I think, Sir, I have nothing more to say except this that we should not tinker with the Delimitation Commission and we should believe in its integrity, in its judgment and it is rationality. Thank you very much, Sir.

SHRI JANARDHANA POOJARY (Karnataka): Thank you very much, Sir. This Resolution moved by Mr. V. Narayanasamy speaks about the difficulties, pains and also the true facts. In fact, I congratulate him for coming before this House with this bold Resolution. Sir, what he has said in the Resolution, while he was moving, you were kind enough to say that it is very exhaustive and he need not make a speech. To a certain extent, it was true also. Mr. Narayanasamy then gave the elaborate details about the grievances of the people's representatives and also the people's grievances also.

Sir, now, the questions that arise here are whether we have to go in for changes; whether the law permits this, and if the law does not permit this, then what will be our position. Sir, the question before you is whether the law should prevail or whether the people's will should also prevail. Sir, kindly take into consideration the reply given to a Starred Question, No. 186, dated 3rd March, 2006. When the question was put "whether the Government has recommended some suggestions on the views of people's representatives, received from various quarters, in this regard, the reply, sorry to say, was: "The Delimitation Commission is required to undertake the work of delimitation in accordance with the provisions of, and the guidelines contained in, the Delimitation Act, 2002. As such, there is no scope for the Government to recommend any suggestion in this regard to the Delimitation Commission." Sir, hon. Members have taken part in the debate. They have given more suggestions. They have given a vivid picture of the difficulties being faced by the representatives of the people as well as the people of every constituency. Now, what does the law say? The law says, as stated by the Government or by the Law Minister, that "there is no scope for the Government to recommend any suggestion in this regard to the Delimitation Commission." While replying to the question whether it is true that it is within the ambit of the Act, he said all that. Then, Sir, what is the purpose of having our discussion here? And if I say so, it may be construed as if I am speaking against this.

Sir, section 9 of the Act very clearly mentions:

"The Commission shall, in the manner herein provided, distribute the seats in the House of the people allotted to each State on the seats assigned to Legislative Assemblies of each State has readjusted on the basis of 1971 Census to single member territorial constituencies and delimiting them on the basis of Census figures as ascertained in the Census held in the year 2001 having regard to the provisions of the Constitution, the provisions of the Act specified in Section 8 on the following provisions, namely, all constituencies shall, in as far as practicable, be geographically compact areas and delimiting them on the basis of physical features, existing boundaries of administrative units, facilities of communication and public convenience."

So, the law is very clear. They can recommend that. And when the Government receives or when the Law Minister receives a representation from the people, and also, Sir, when the suggestions are given here, he can recommend to the Commission. If there are anomalies, if there are flaws and if there is any discrimination, then, the Government can bring that to the notice of the Commission. The Government is not barred. So, they cannot shut their eyes to the feeling of the people here, to the feeling of the representatives here, inside the House, and also outside the House. The Commission is acting as a dictator. They do not hear anything, any suggestion from anybody. They say that there are going as per the law. Sir, they say that they are not in a position to hear us! Sometimes, they ask the people's representatives to go out. If this is their attitude, Sir, I congratulate Mr. Narayanasamy for his boldness. He has come up with a bold Resolution saying no to it. Here is a Parliament. The voice of the people could be heard here. He has gone to the extent of saying, not through this House, to the entire nation that the Parliament is supreme and the Government is also accountable to the Parliament. Nobody can ignore the views of the Parliamentarians and the people's voice. Now, the question is whether the Government is in a position to consider the suggestions given by the hon. Members. If this Resolution is passed here, it will be very effective. So, my submission here is that whatever the hon. Member has put in his Resolution is not irrelevant. Is it not as per the desire of the nation? He has stated that (i) the Delimitation Act was passed by the Parliament and the process of delimitation has already started in various States and they are facing a lot of difficulties in implementing the

provisions of the Delimitation Act; (ii) several representations have been received from various States and even from the legislators stating that since population was the criteria adopted for delimiting the constituencies, ignoring other conditions prevailing in various States, the basic structure of the constituencies is being changed.

Sir, it is true, as far as many places are concerned. If population is the base, if it is going to be the criteria, constituencies which are following family planning will be affected. If two-lakh population is the basis for an assembly constituency, the constituencies which have been following family planning will be affected. They are not going in for population growth. They are strictly following family planning and the population is less. What is happening?

Now, you take the case of Coorg district in Karnataka. Sir, you are aware of this fact. There were three constituencies in this district. You have been hearing about the agitation. People are agitating saying that they want a separate State. What has happened? There were three assembly constituencies. They have reduced it to two. It is a hilly area. The population is scattered. Will they remain in Karnataka? They will run away. They will say, "We will not get any justice". But you say that population is the basis. That is why this provision has been made in section 9 of the Act itself saying that you have to take into consideration the geographically contiguous as well as other administrative areas as a unit. I am strongly pleading now that, as far as Coorg district is concerned, the Delimitation Commission should take cognisance of this fact. They should say no to it and keep the three constituencies in Coorg district intact. Otherwise, those hill area people, who have been in Karnataka, will agitate further. They have even threatened. You know that. I need not say that. They have gone to the extent of saying that there will be violence. If that is the case, where is the justice? Is not the Government in a position to make recommendations to the Delimitation Commission? That is what Shri V. Narayanasamy has sought in his Resolution.

You take the case of hill areas, the North-Eastern States. The same is the position. The population is scattered. There will be a reduction in constituencies. That is why these factors should be taken into consideration. You know that Bangalore is thickly populated. There were eight assembly constituencies. We have brought it to the notice of the House. There were eight segments. Now it has gone up to 12. What about the rural areas? The population is scattered. There are vast areas.

3.00 P.M.

it is very difficult even to work for the welfare of the constituency. But they have to be reached. When this is the situation, should we not support the Resolution?

Now, coming to the North-Eastern States, Shri V. Narayanasamy has already mentioned that in these States, there are various districts covering large areas of land with less population. I must appreciate the fact that he has talked about all the regions and have brought to the notice of the Government the difficulties faced by these people. His Resolution covers the entire nation.

Now, the fourth part of the Resolution says, "If population criteria is adopted for delimiting the constituencies, the cities get more representation than the rural areas because of the high concentration of the population." What about Uttarahalli? The total population is 15 lakhs or 20 lakhs. Sir, this is the position not only of Karnataka but also of other States including Delhi, Hyderabad and Chennai. Everywhere the situation is the same. Now, if the Government is going to say, "No; we cannot interfere. We cannot recommend it", I want to clarify that the law does permit it. They can do it. They cannot say, "Everything is closed. We are not in a position to hear anybody. The Government cannot interfere." Sir, Parliament can interfere. If the Members of Parliament, across political parties, support it, and if this Resolution is passed, then, they have to listen to the voice of Parliament. They cannot ignore it.

The next point in his Resolution is: "The elected representatives, who have become Associate Members of the Delimitation Commission have not been given the powers of voting at the time of taking decision under the Delimitation Act, which infringes the rights of the Members." Now, we all know about the Delimitation Commission. Now, these representatives, who have become Associate Members of this Commission, should be given importance and their voice should be heard. These Members might say, "These are the difficulties. You rectify them. Otherwise, we will vote against you." So, Sir, the voice of the representatives of the people should be heard. We sometimes think that these Commissions, these autonomous bodies, have become untouchables. This is so because they do not want to listen to the views of their elected representatives. We don't agree with that. And, I am sure that Mr. Narayanasamy also will not agree with that. That is why he has come up with this Resolution. The Government should

look into the practical difficulties. The Resolution does state, "This House resolves that the Government should look into the practical difficulties being experienced by various States while delimiting the constituencies." Apart from the population criterion, we should also take into account the topography of the area, the number of districts, physical features, etc. Sir, here, I would emphasise that these Associate Members should also be provided with voting powers. This Resolution is within the purview of Section 9.

Sir, we sometimes see how the State Governments politicise the whole issue. For instance, I would like to state here -- I am not naming anybody -- what the position in Uttar Pradesh is. As we know, at Shahjehanpur constituency, the population of the Scheduled Castes stands at 17.49 per cent, and it is 17.65 per cent in the Aonla constituency. Now, the allegation is, what is reported in the newspaper is, -- it is an important national newspaper, *The Times of India* -- because this constituency, *i.e.*, Shahjehanpur is a Congress fort, the SP and also the BJP -- sorry, please don't blame me -- they want to make it as a Scheduled Caste constituency. How are they doing it? They have brought down the population of Scheduled Castes from 17.65 per cent to 15.65 per cent. It should not have happened. We should be fair. The former Chief Election Commissioner, Dr. M.S. Gill has stated that they should be fair. Yes, they should be fair. It should be balanced. Yes, it should be balanced. If it is not fair, whether the Government can sleep over the matter? So, there, the Government can interfere, and point out to the Commission, 'here is your flaw, the anomaly is here, and you should rectify it.'

So, Sir, what I am submitting is, this Resolution is a fair Resolution. It is within the ambit of the law. Irrespective of party affiliations, Members of all the parties have stated that people's voice should be heard, and the Government can recommend to the Commission. The Government should interfere when there is anomaly, when there is no fairness. Hence, I request the entire House to pass this Resolution. And, I once again congratulate Shri V. Narayanasamy for coming before this House with this very good Resolution.

प्रो0 राम देव भंडारी (बिहार) : माननीय उपसभापति महोदय, मैं माननीय सदस्य श्री वी0 नारायणसामी जी को धन्यवाद करता हूं कि उन्होंने देश में चल रही परिसीमन की प्रक्रिया और उसमें व्यावहारिक कठिनाइयों को देखते हुए परिसीमन अधिनियम में संशोधन के लिए यह संकल्प सदन में प्रस्तुत किया है।

महोदय, जो संकल्प है, उसके अनुसार इस समय परिसीमन में जनसंख्या का मानदंड अपनाया जा रहा है और जनसंख्या के आधार पर ही परिसीमन की प्रक्रिया चल रही है। कई राज्यों में तो अंतिम अधिसूचना भी जारी कर दी गई है, जिसमें मैं समझता हूं कि श्री नारायणसामी जी का राज्य पांडिचेरी भी है। कई राज्यों में यह ऐडवांस स्टेज में है और कई राज्य काफी पीछे हैं। एक स्थिति रिपोर्ट है, लोक सभा का क्वेश्चन 186, दिनांक 3.3.2006, जिसके अनुसार कई स्टेज से गुजरते हुए अंतिम अधिसूचना जारी की जाती है - आंकड़ों और नक्शों का संकलन, प्रारूपकार पत्र तैयार करना, राज्य निर्वाचन आयुक्तों से परामर्श, सहबद्ध सदस्यों से परामर्श, लोक सुनवाई और फिर अंतिम अधिसूचना। यह जो कई स्टेज से गुजरते हुए परिसीमन की कार्रवाई होती है, यह बहुत अच्छी बात है, मगर जो आधार इसका बनाया गया है, सिर्फ जनसंख्या, यदि सिर्फ इसी आधार पर परिसीमन होता है तो मैं समझता हूं कि जो लक्ष्य है परिसीमन का, वह पूरा नहीं होता है।

महोदय, मैं उत्तर बिहार से आता हूं, बड़ी-बड़ी नदियां उत्तर बिहार में हैं, जो नेपाल से आती हैं। और बाढ़ के समय एक क्षेत्र से दूसरे क्षेत्र को जाना भी बहुत मुश्किल होता है। यह सिर्फ मेरे ही क्षेत्र की बात नहीं है, देश में बड़ी-बड़ी नदियां हैं, जंगल हैं, पहाड़ हैं और अगर हम इन भौगोलिक परिस्थितियों को सामने रखते हुए परिसीमन नहीं करेंगे, तो हमें बड़ी कठिनाइयों का सामना करना पड़ेगा।

महोदय, डा0 गिल साहब मुख्य चुनाव आयुक्त रह चुके हैं, मैं जिस क्षेत्र से आता हूं, उस क्षेत्र में एक बहुत ही प्रभावशाली नेता थे, जो चुनाव लड़ा करते थे। मैं विधान सभा का चुनाव लड़ता था और हर वर्ष बूथ को कमजोर वर्गों के नज़दीक लाने का प्रयास करता रहा कि उसे कमजोर वर्गों के पास लाया जाए, वहीं दूसरी ओर वह नेता जी उसे दूर ले जाने का प्रयास करते रहे। मैं सदन में उनका नाम नहीं लेना चाहता हूं, चूंकि उस समय वह पावर में थे और दो बार वह वहां के चीफ मिनिस्टर भी रहे, इसलिए उनकी बात चल जाती थी और बूथ दूर चला जाता था। मैं आपको बताना चाहता हूं कि केवल दो घंटे होते-होते प्रशासन की मदद से, गुंडे लोगों की मदद से 50 प्रतिशत बूथों पर कब्जा हो जाता था, उस समय 98% से 99% वोट सिर्फ एक ही दल के पक्ष में गिरते थे, वहां पर बूथों की यह हालत होती थी।

इस समय परिसीमन के संबंध में मुझे जो खबर मिली है, मेरे लोक सभा क्षेत्र का परिसीमन अभी जिस स्टेज पर है, वहां पर एक बहुत बड़ी नदी - कोसी नदी बहती है, जो नेपाल से आती है। इस समय पांच-सात किलोमीटर जाने के लिए यदि उस नदी को पार करके आप पैदल चले जाएं, तब तो आप घंटे या दो घंटे में ही जा सकते हैं, लेकिन अगर रेल से जाएं, तो वहां जाने के लिए 14-15 घंटे लगते हैं, इसीलिए लोग आम तौर पर या तो पैदल चले जाते हैं अथवा साइकिल से चले जाते हैं। इस समय हमने सुना है कि परिसीमन की जो प्रक्रिया है, उसमें जो हमारा लोकसभा क्षेत्र है - उसे झंझारपुर विधान सभा क्षेत्र से जोड़ा जा रहा है। यह मैं केवल एक उदाहरण दे रहा हूं, देश में इस तरह के कई उदाहरण होंगे। यदि भौगोलिक स्थिति को ध्यान में न रखते हुए परिसीमन किया जाता है, उससे बहुत बड़ी कठिनाई होगी।

चुनाव लड़ने के लिए जितना समय मिलता है, आजकल तो बहुत कम समय मिलता है, नॉमिनेशन फाइल करने के बाद बहुत ही कम समय मिलता है, उतने ही समय में चुनाव लड़ने होते हैं। इस तरह सिर्फ अपने क्षेत्र में जाने के लिए ही दो या तीन दिन लग जाएं, तो फिर वह

चुनाव कब लड़ेगा और कब वह जनता के बीच में जाएगा? इसलिए महोदय, नारायणसामी जी का यह एक बहुत ही महत्वपूर्ण संकल्प है, सहबद्ध सदस्य की चर्चा हुई है।

इलेक्शन कमिशन केवल अपने ऑफिस में ही बैठता है और उसकी बहुत सारी कार्यवाहियां केवल पेपर्स पर ही होती हैं। जो भी भौगोलिक स्थिति है, उसे वह नक्शे पर ही देख लेते हैं, उसी तरह जैसे फाइव स्टार होटल में बैठ कर संबंधित अधिकारी किसानों की समस्या पर बात करते हैं। इलेक्शन कमिशन अपने ऑफिस में ही बैठ कर, नक्शे पर देख कर कॉंस्टीट्यूएंसीज़ बनाता है। क्षेत्रों में जाना, कांस्टिट्यूएंसी में जाना, जनता से बात करना, पब्लिक रिप्रेज़ेंटेटिव्स से बात करना, हालांकि मैं जानता हूं कि विभिन्न पार्टियों के अलग-अलग सुझाव होते हैं और सभी पार्टियां यही चाहती हैं कि परिसीमन उस दृष्टि से हो, जिससे उनकी पार्टी को फायदा हो। सभी की बात को सुन लेने के बाद, जनता की राय जान लेने के बाद ही अगर परिसीमन की कार्यवाही होगी, तो अधिक उचित होगा। इसके लिए हमें इंफ्रास्ट्रक्चर भी देखना पड़ता है कि उस क्षेत्र की आधारभूत संरचना क्या है। आप आधारभूत संरचना को देखें और पब्लिक रिप्रेज़ेंटेटिव्स, जो जनता के लोग हैं, उनकी राय सर्वोपरि है, इन सब बातों को जानने के बाद ही हम परिसीमन की एक राय बनाएं। भले ही इसमें देर हो सकती है, इसमें कोई हर्जा भी नहीं है, लेकिन देर होने के बाद भी यह जरूरी है कि परिसीमन सही रूप में हो, देश की जनता वहां जाकर अपना वोट दे। हमारे कई माननीय सदस्यों ने चुनाव लड़ा है, इसमें कई प्रकार के बहुत सारे काम होते हैं और उसे उतने ही समय में आपको करना है। इसलिए महोदय, मैं नारायणसामी जी का धन्यवाद करना चाहता हूं और माननीय मंत्री जी से अनुरोध करना चाहता हूं कि इसमें इस प्रकार का संशोधन किया जाए कि स्पष्ट रूप से भौगोलिक स्थिति क्या है, उसको भी आधार बनाया जाए, जनता के जो रिप्रजेंटेटिव हैं उनको वोट देने का अधिकार नहीं है। मैं समझता हूं कि अगर इसमें वोट देने की स्थिति नहीं आए, वह अच्छी बात होगी। परिसीमन इस प्रकार से किया जाए कि वोट देने की स्थिति ही नहीं आए। इन सारी बातों को ध्यान में रखते हुए माननीय मंत्री जी, जो आवश्यक संशोधन हैं, उसे करेंगे। बहुत-बहुत धन्यवाद।

श्रीमती विप्लव ठाकुर (हिमाचल प्रदेश) : उपसभापति महोदय, बहुत-बहुत धन्यवाद, आपने मुझे बोलने का मौका दिया। मैं यह कहूंगी कि नारायणसामी जी जो परिसीमन का बिल लाए हैं, अमेंडमेंट लाए हैं, यह बहुत ठीक है। जो डि-लिमिटेशन कमीशन है, भारत की आजादी के बाद चुनाव हुए, उसके बाद महसूस किया गया कि डि-लिमिटेशन होना चाहिए, क्षेत्रों का ठीक तरह से डि-लिमिटेशन होना चाहिए उस समय कोई एक्ट पास नहीं था। कंस्टीट्यूशन में यह कहा गया कि चीफ जस्टिस इसके चेयरमेन होंगे और सुप्रीम कोर्ट के रिटायर्ड जज इसके मेंबर होंगे। लेकिन उसके बाद अलग-अलग डि-लिमिटेशन कमीशन बनते गए। अब जो 2002 से डि-लिमिटेशन कमीशन बना है इसमें हाई कोर्ट के रिटायर्ड जज चेयरमैन हैं और एक मेंबर इलेक्शन कमीशन की तरफ से है। तीसरा जो मेंबर है वह स्टेट कमीशन की तरफ से मेंबर है। यह तीन मेंबर का डि-लिमिटेशन कमीशन बना। लेकिन इसके साथ-साथ जो पैरामीटर हैं, जिनके अंदर डि-लिमिटेशन कमीशन को काम करना है, उनमें सबसे बड़ी जो बात है, वह है आबादी। डि-लिमिटेशन का जो कार्य है वह यह है कि किसी भी स्टेट की पॉपुलेशन को उन्होंने कंस्टीट्यूंसी बना दी, जबकि हिमाचल में किसी एक कंस्टीट्यूंसी में हमारी पॉपुलेशन है, उस पॉपुलेशन को बांटना चाहिए। तो मैं यह कहूंगी कि उन्होंने एडमिनिस्ट्रेशन को यूनिट लिया है।

जो एडमिनिस्ट्रेटिव यूनिट है वह डिस्ट्रिक्ट भी हो सकता है, आपका ब्लॉक भी हो सकता है, आपका जो पुलिस स्टेशन है वह भी हो सकता है, क्योंकि अलग-अलग स्टेट में अलग-अलग एडमिनिस्ट्रेटिव यूनिट हैं। इसलिए मैं यह चाहूंगी कि यह जो पॉपुलेशन है इसमें अमेंडमेंट होनी जरूरी है। जैसे अगर हिमाचल की 65 लाख के करीब पॉपुलेशन है, 68 कंस्टीट्यूंसीज हैं। आप उसे बराबर में बांट दीजिए और जो एडमिनिस्ट्रेशन यूनिट हैं, वे दोबारा से भी मार्क हो सकते हैं, दोबारा से भी बनाए जा सकते हैं। कोई ऐसी बात नहीं है। उपसभापति महोदय, अब हिमाचल में क्या हो रहा है, मैं बताना चाहती हूं। कांगड़ा जिले में 16 कंस्टीट्यूंसीज हैं और पॉपुलेशन के हिसाब से वहां एक कम की जा रही है तथा कुल्लू डिस्ट्रिक्ट में एक बढ़ाई जा रही है। क्या कांगड़ा के लोगों को यह महसूस नहीं होगा कि हमारी एक कंस्टीट्यूंसी कम हो रही है। इसलिए यह जो पॉपुलेशन का क्राइटेरिया है इसमें अमेंडमेंट होनी चाहिए, डिस्ट्रिक्ट में जो एडमिनिस्ट्रेटिव यूनिट है, उसमें भी अमेंडमेंट होनी चाहिए कि आप या तो पटवार सर्किल कर लीजिए या ब्लॉक लीजिए, डिस्ट्रिक्ट की कोई आवश्यकता नहीं है। डिस्ट्रिक्ट दोबारा से भी बनाए जा सकते हैं। जब पॉपुलेशन एक बार सही ढंग से बंट जाती है, कांस्टीट्यूंसीज बन जाती हैं तब आप डिस्ट्रिक्ट रिमेक कर सकते हैं, हम नए डिस्ट्रिक्ट बनाते हैं। हम रोज सुनते हैं कि एक मुख्य मंत्री जी ने एक नया डिस्ट्रिक्ट बना दिया। पहले अगर 12 डिस्ट्रिक्ट थे तो 14 भी बन जाते हैं, 16 भी बन जाते हैं, तब क्या उनकी बाउण्ड्री रिमेक नहीं होती है? इसलिए मैं यह कहना चाहूंगी कि इसमें जो पॉपुलेशन और बाउण्ड्री की बात आई है उसमें यह ध्यान देने की जरूरत है कि यह नहीं होना चाहिए कि डिस्ट्रिक्ट हैडक्वार्टर या डिस्ट्रिक्ट नहीं बांटा जा सके। दूसरी बात यह है कि जब यह कमीशन बना, उसके साथ एसोशिएट मेम्बर्स रखे गये। किसलिए एसोशिएट मेम्बर्स रखे गये और एसोशिएट मेम्बर्स कौन होंगे? वे होंगे, जो विधान सभा के या पार्लियामेंट के सदस्य होंगे, जो कि लोगों के द्वारा चुने गये, जिनको लोगों का पूरा विश्वास है, जो लोग रिप्रजंटेटिव हैं, वे एसोशिएट मेम्बर्स होंगे। जो धारा है, उसमें कहा गया है कि डिलिमिटेशन कमीशन है, वह एसोशिएट मेम्बर्स के साथ मिलकर ड्राफ्ट बनायेगा।

उपसभापति महोदय, होता क्या है? यह ठीक है कि आज सेटेलाइट है, कम्प्युटर है। भंडारी जी, ने ठीक ही कहा कि नक्शा देखा जाता है और ड्राफ्ट बना दिया जाता है, एसोशिएट मेम्बर्स बाद में आते हैं, हालांकि कांस्टीट्युशन में यह कहा गया था कि जो डिलिमिटेशन कमीशन होगा, वह एसोशिएट मेम्बर्स के साथ मिलकर ड्राफ्ट बनायेगा, लेकिन प्रेक्टिकल में ऐसा नहीं होता है। डिलिमिटेशन कमीशन के ऑफिस में ड्राफ्ट बना दिया जाता है और फिर उसको एसोसिएट मेम्बर्स के सामने पेश किया जाता है कि यह ड्राफ्ट है, आप बताइये, इसमें क्या करना है। वे कुछ नहीं कर पाते हैं, जो लोगों के द्वारा चुने गये हैं, जो वहां की हकीकत जानते हैं, जो एमएलए है, जो एमपी है, वे जानते हैं कि मेरे यहां पहाड़ कहां हैं, मेरे यहां दरियां कहां है, मेरे यहां का क्षेत्र काटने से किसको, क्या नुकसान होगा, किसको कहां पर जाना पड़ेगा, यह कमीशन के लोग नहीं जानते हैं। इसलिए ड्राफ्ट बनाने से पहले, पेश करने से पहले एसोसिएट मेम्बर्स से पूछना चाहिए, एसोशिएट मेम्बर्स को उसमें शामिल करना चाहिए। उन्होंने बहुत अच्छा कहा, मैं पढ़ रही थी कि इसमें अमेंडमेंट की बात आज से नही उठाई जा रही है, जब से यह कमीशन बना है, तब से मांग आ रही है। सुचेता कृपलानी जी ने कहा था, टेकचंद जी ने कहा था, जो इस अगस्ट हाउस के मेम्बर रहे हैं, लोक सभा के मेम्बर्स रहे हैं, जो एसोशिएट मेम्बर्स हैं, वे glorified effiges हैं, इनका कोई काम नहीं है, इनको कहने के लिए मेम्बर्स बनाया गया है, यह कहने को एसोशिएट मेम्बर्स हैं, लेकिन इनके हाथ में कुछ नहीं है। कमीशन की मर्जी है कि वह

उनके सजेशन्स को माने अथवा नहीं माने। जो एम0एल0ए0 या एम0पी0 अपने हलके में जाता है, जिसको एक-एक घर का मालूम है, जो जानता है कि मेरे हलके में, मेरे इलाके में, मेरे प्रदेश में किस तरह से बाउंड्री बन सकती है? अभी हमारे एक साथी ने कहा कि इसमें एक राजनीतिक रंग आ जायेगा, मैं बताना चाहती हूं कि इसमें राजनीतिक रंग तो वैसे ही आ जाता है, जहां चीफ मिनिस्टर हो। जैसा कि अभी बताया गया है कि यू0पी0 में क्या हो रहा है? वहां पर कैसे तोड़फोड़ हो रही है, इसलिए इसमें राजनीति की बात नहीं है, इसमें लोगों को सहूलियत देने की बात है। डिलिमिटेशन कमीशन में यह भी है कि वन वोट, वन परसन, इसलिए लोग अगर वोट नहीं दें, उनकी कांस्टीट्युअंसी ही इतनी-इतनी दूर हो जाए और उनको 15 किलोमीटर, 20 किलोमीटर दूर जाना पड़े, तो उसका क्या फायदा है?

उपसभापति जी, मैं समझती हूं कि जो नारायणसामी जी लाये हैं, वह बहुत अच्छा सुझाव लाये हैं। डिलिमिटेशन कमीशन को पावर्स भी बहुत हैं। उसको चैलेंज नहीं किया जा सकता है और ना ही उसके ऊपर प्रश्न उठाया जा सकता है, इसीलिए मैं चाहूंगी कि जो एसोशिएट मेम्बर्स हैं, उनको वोट देने का हक होना चाहिए। इसके साथ-साथ ऐसा कुछ प्रॉविजन लॉ में रखा जा सकता है कि अगर कहीं कोई डिसप्यूट हो तो इस तरह से निपटाया जा सकता है, चाहे चेयरमैन को या किसी को वीटो का हक दिया जाए, जिससे कि उसको सुलझाया जा सके। ऐसी बात नहीं है कि जो एसोशिएट मेम्बर्स हैं, वे वोट ही नहीं दे सकते हैं।

उपसभापति जी, मैं बताऊं कि जब हियरिंग होती है, पब्लिक हियरिंग होती है, तो वह नाम को होती है। मैं तो यह कहूंगी कि जब पब्लिक हियरिंग होती है, तो सब कुछ पहले से तैयार हो जाता है और एक फॉरमैल्टी पूरी की जाती है। पब्लिक को बुलाया जाता है, पब्लिक अपनी बात बताती है, तो कहा जाता है कि इसमें दस परसेंट से ज्यादा चेंज नहीं कर सकते हैं। इधर से उधर दस परसेंट ही कर सकते हैं। फिर पब्लिक हियरिंग किसलिए की जाती है, जब पब्लिक को बुलाया जाता है, तो एक डेट रखी जाती है। हमारे यहां हिमाचल में क्या हुआ, वह मैं आपको बताती हूं। हमारे यहां एक तारीख में ही 36 कांस्टीट्युअंसीज़ को सुना जा रहा है, जब 36 कांस्टीट्युअंसीज़ को एक ही दिन में सुना जा रहा हो, तो क्या होगा ? उपसभापति जी, क्या वे अपनी बात बता सकेंगे, क्या अपनी मांग रख सकेंगे, कैसे अपने केस को प्लीड कर सकेंगे, इसीलिए इसमें अमेंडमेंट की बात की आवश्यकता है। पहले 1991 से, अब 2001 के सेंसस से हो रही है, लेकिन इसमें ये जो अमेंडमेंट्स जरूरी हैं, इसको ज्यादा वायबल बनाया जा सके। यह आर्बीट्रेटर न रहे जिससे लोगों की जो अपेक्षाएं हैं, आशाएं हैं, उन पर खरा उतर सके और ऐसा यह कमीशन बनना चाहिए। इसमें यह अमेंडमेंट्स लाने चाहिए। जब डेमोक्रेसी है, प्रजातंत्र है, हरेक को यहां अपनी बात कहने का मौका है, तो फिर डीलिमिटेशन कमीशन में क्यों नहीं? क्यों नहीं हमारे चुने हुए जो मैंबर्स बनते हैं, उनको यह हक मिले कि वहां भी वे अपनी बात कह सकें, अपनी बात मनवा सकें? इसलिए मैं यह समझती हूं कि जो प्राइवेट रेज़ोल्यूशन माननीय नारायणसामी जी लाए हैं, यह बहुत ठीक है। इसमें जरूर हम सबका साथ है और इसमें अमेंडमेंट्स होने चाहिए। बहुत-बहुत धन्यवाद।

SHRI SHANTARAM LAXMAN NAIK (Goa): Mr. Deputy Chairman, Sir, we are having delimitation of the constituencies after many, many years. In fact, when the process started, the Act provided that the 1991 Census figures should be taken into consideration. Thereafter, Members

from both the Houses wanted that the latest figures of the 2001 Census should be taken into account. Accordingly, the Act was amended and the process has now begun. The process is going on at a very, very slow pace. It is learnt that only a few States have been covered and notifications have been published in the respective State Gazettes. In many other States, the process is on with draft notification being circulated to the members, etc. We are not aware as to when this process is going to be completed. Actually, everyone is in a dilemma from what date, after the completion of the process, the new delimitation constituencies will be notified. Therefore, I would appeal to the hon. Minister that a clear-cut position, as regards to enforceability of the proposed delimitation process, should be conveyed to the members. It is because Members of the other House have to prepare themselves accordingly. Sir, Assembly elections are due in some States. They have to prepare themselves accordingly. Therefore, last minute announcement of enforcement would create problems for many Assembly candidates, especially in several States where elections are going to be held. Now, Sir, basically, as Poojaryji has pointed out, certain elements, certain basic criterion, which is laid down in law, has to be observed in the matter of delimitation. The law says, 'All constituencies shall, as far as practicable, be geographically compact areas and in delimitating them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.' These are very crucial elements which the Delimitation Commission has to take into consideration. As has been pointed out by my previous speaker, we consider maps and go ahead with the process. Now, the latest Google.com is there before us. If it is there before the Commission, many of the areas could be easily accessible. Today, if a map is available with the Commission, it would be easy to go to the site to see where the rivers are and where the boundaries are. But, the Commission will take into consideration this Google website -- where it is not completed -- for the purpose of having a proper topographical features of each constituency. The first aspect -- and which is shocking to note -- to which I would like to bring to your notice is that the political parties, which are the basis of democracy, have no representation in the meetings of the Delimitation Commission. Representation is there to associate Members, who are either MPs or MLAs. When MPs or MLAs represent before the Commission, irrespective of political parties, they basically look after the interests of their respective constituencies. If they found that the Commission is inclined towards his proposal, with respect to his

constituency, then, throughout the proceedings the MLA or the MP keeps quiet. Whereas, in fact, he has to represent the other constituency matters, as has been given to him by his political party. He has to look after the interest of that political party of the entire State, but not to hurt the chairperson of the Commission, or, anybody else. The tendency on the part of the MLAs or MPs, who are associating Members, is to keep quiet. Therefore, recognized national parties, recognized State parties have to be given a representation in the Delimitation Commission, without which the representative aspect of the Commission is zero in my opinion.

Secondly, Sir, I would like to submit that when Goa became State, there was a special Delimitation Order because the constituencies were converted from 30 of the Union Territories into 40. At that time, I recollect that Revenue Villages were the units for the purpose of consultation. And, rightly so, because the Revenue Village unit is one of the fundamental basis for considering an area. Now, when the delimitation has been done in Goa, last year, there is no mention of Revenue Villages. What has been imported is what is known as *sajas* and *circles*. I am not aware of this nomenclature. But this nomenclature is known to my colleagues from other States. These words - *sajas* and *circles* -- have basically been taken from Maharashtra. When the Revenue Village is a proper identifiable unit, without taking into consideration the views of the any Associate Member, how could the Delimitation Commission take up different units as a criterion? In fact, representations were made to the Commission that we should stick to the old norm of considering Revenue Villages as units, as the terms *sajas* and *circles* are unknown to the State of Goa. Even in Maharashtra, these terms are used in revenue courts, but they are not widely used. Even there, the Revenue Villages are better known; their boundaries, their areas are better known. Therefore, the Delimitation Commission has to look into this aspect.

Public hearings take place for determining the boundaries of constituencies. In these public hearings, the attitude of the Commission, with due respect to the Members and the Commission, is to take the public hearings very lightly. They consider that whatever there has to be done by the Commission is going to be final, and they have to have some sort of lip service by holding some public hearings. This is the most unfair thing. I would say that today there are more intelligent people in public. There are engineers, architects, social workers who can throw better light on these aspects. Therefore, representation given to the Delimitation Commission by

members of public should be given due respect. I would submit that each and every representation, given by members of public, should be personally heard by the Commission.

Then, Sir, as far as ratio of associate member is concerned, there is a flaw in the legislation. There is a flaw in the sense that the ratio, that is, the portion; nomination made by the hon. Speaker of Lok Sabha and Speakers in the Assemblies shall have due regard to the composition of the House. Now, Sir, as per composition of the House, the Presiding Officers nominate associate members. Now, if this decision of the hon. Speaker is not correct, there is no remedy in the Delimitation Act. There is absolutely no remedy. The Commission cannot do anything, and no other authority can do anything. I will give an example of how and why we were aggrieved. In Goa when the BJP Government was ruling, the Delimitation Commission was coming up there; the process started. The BJP had 17 members and the Congress had 16 members. The BJP got four associate members and the Congress got one associate member. We protested over that. The Speaker did not hear us. The Chairperson of the Delimitation Commission said that there was no provision in the Act whereby he could dispose of such a complaint. He has no power. Once the Presiding Officer decides the number, it is final and, rightly so, because in the Act it is said that it is final. Therefore, there must be some remedy provided. We cannot expect such things happening in all the places. But, imagine, Sir, we had 16 MLAs, the other party had 17 MLAs, but they got four associate members and we got one. And we could do nothing. Therefore, this aspect also has to be considered.

Then, another aspect which has been pointed out just now is very important. It is regarding the initial draft to be placed before the Commission. Who has to prepare it? The initial draft is prepared by the bureaucrats. And when it is prepared, the Ruling Party of the concerned State has all the influence in preparing that draft. The Commission entrusts the officers of the State Government to prepare the draft. When the Commission is a very high and an independent body, this job is done by them. Therefore, it has been rightly pointed out just now that the initial draft should be prepared in consultation with the associate members. Therefore, in the first meeting there should be no draft. In the first meeting there should a general discussion regarding the draft. And, afterwards, the draft prepared in consultation with the associate members should be placed before the Commission in the next meeting.

Then, Sir, another aspect is this. In Goa, as per 2001 Census, there were no Scheduled Tribes because till that time, the three communities which were declared as Scheduled Tribes, were not declared so before the Census. They were declared after the Census. When the Delimitation Commission came, we presented a memorandum before the Commission to state that after your constitution these three communities should be declared as Scheduled Tribes. Therefore, kindly order the Registrar of Census to have a special Census with respect to these three communities and submit the report or approach the Government of India for the purpose. The Delimitation Commission did not hear us at all. As a result, the draft has been published -- it is finalised -- and the three communities, the major communities, which have been declared as Scheduled Tribe will have no representation in the next Assembly of Goa, which is most unfortunate. This job could have been done by a special Census in one month's time, but the Commission did not pay any regard for this. Even at this late stage, if the hon. Law Minister intervenes, I think, this aspect can be fulfilled. Then, Sir, it is something related to Members of this House. Why we, Members of Rajya Sabha, should not find a place? Do we have no intelligence? Can't we throw any light on the Commission? In fact, we can do it more independently because Members of the other House have their own interest.

MR. DEPUTY CHAIRMAN: More objectively.

SHRI SHANTARAM LAXMAN NAIK: Yes, more objectively. Because we represent a whole State; therefore, it is very humiliating. When the Commission comes, the people will come to know that only Lok Sabha Members are there, Rajya Sabha Members are not there. It becomes very humiliating for us, even otherwise, Sir. Therefore, this aspect also need to be considered by the Commission. With these words, I conclude. Thank you.

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Hon. Deputy Chairman, Sir, this is a very important issue which was raised by my friend, Shri V. Narayanasamy, by way of a Private Members' Resolution. As a matter of fact, this House is aware that two laws were passed -- one was the Constitution (Eighty-fourth Amendment) Act, 2001, and the other was Delimitation Act, 2002; and, pursuant to these two enactments, a Commission was set up, headed by Justice Kuldip Singh along with other Members who were associated, according to the scheme of the law. After that, Members are aware that the Election Commission has

gone at a very rapid speed. They have completed the task in Goa, Kerala, Tripura, Mizoram, Rajasthan, West Bengal, Punjab, the Union Territory of Pondicherry, and they are also at an advanced stage of the work in the States of Chhattisgarh, Himachal Pradesh, Orissa, Punjab, Sikkim and the National Capital Territory of Delhi. It will be thus seen that the Delimitation Commission's work is in full swing and the Commission is a creation of a statute which was passed by both Houses of Parliament almost unanimously. But during the course of this work, several people have represented about their difficulties. As a matter of fact, it is not a regular delimitation, according to my understanding of matters, because delimitation, according to the Constitution, is not taking place because we have frozen the seats of both the Lok Sabha as well as in the Assembly up to 2025 or so. You cannot increase the number of seats but, yet, you are dividing the total number of seats with the population of the State so that they can be rationalised. Each Parliamentary constituency or Assembly onstituency should, as far as possible, have equal number of voters. Then, there is a rotation of the Scheduled Castes and the Scheduled Tribe seats. These are two things that are being attempted to. But even during this attempt, as you must have noticed, there are a lot of difficulties which are being faced particularly in smaller States, North-Eastern States,

[THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI) in the Chair]

particularly, where tribal population are up in arms. We must maintain the prestige of all tribes and give them, at least, one seat each; so, they must get it, in order to protect the tribal culture. Secondly, in smaller States, there is a problem of the people settled in the hill States and then in the plains. There is another problem which has been brought to my notice, particularly, from Karnataka and Maharashtra that urban seats have increased, but rural seats have decreased. These representations have been received through our hon. Members of Parliament. The Chief Ministers have also spoken to me. I have already taken up these issues with the Delimitation Commission and it has promised to look into it. Similarly, all other matters of North-East, Sikkim, Mizoram and all smaller States have been taken up with the Delimitation Commission. But you must appreciate one basic difficulty that the Delimitation Commission is bound by certain criteria which are enumerated in the laws which were passed by both Houses of Parliament, and there is not much room for it to deviate from the norms. So, a consultation process is going on nowadays, with all political parties as to whether we can change the guidelines, so that all these

aberrations are removed. And, according to my understanding, as hon. Members have pointed out, we will have to give it a fresh look because if this system of delimitation continues, there are bound to be quite big hardships in elections. So, we can definitely look into all these things. I have already forwarded those representations which have been received from all the States to the Delimitation Commission, and I wish the Delimitation Commission should do justice to them. But if necessary, we may have to even come back to say that 'some guidelines may be changed'; but that would not be in the competence of the Delimitation Commission. For that, I may have to seek consensus of all political parties so that we can change the guidelines in favour of the smaller States in order to give them a better deal. Similarly, we need to do something for removing the hardships of the urban folk and the rural folk. The rural people are suffering. Their seats are getting minimised. The urban people are getting more seats. ...(*Interruptions*)... With regard to hilly areas, I would like to say that the people of the hilly areas, in particular, need a special deal because there the population is such that the hilly people will lose almost everything. So, this needs a careful consideration. I am very happy that my dear friend, Mr. Narayanasamy, has brought forward this Resolution. I am very grateful to him and all other hon. Members who have drawn the attention of the Government to this very important issue. I need your help. I need some time to look into it because I will have to consult major political parties for this purpose, because the last two laws were passed -- the Constitutional Amendment as well as the Delimitation Act -- by unanimous opinion of all the political parties.

Then, we also have one very important issue pending with us, *i.e.*, providing thirty-three per cent reservation to women. I am very seriously thinking that if we can agree, then, we can pass another Constitutional Amendment and increase the number of seats to the extent of thirty-three per cent or whatever is agreed to, and include them in that, so that they can also be given to the Delimitation Commission. All these matters ...(*Interruptions*)...

SHRI JANARDHANA POOJARY (Karnataka): Will the Women's Reservation Bill be brought in this Session or the next Session?

SHRI H.R. BHARDWAJ: No; no; today I am only doing a thinking that in case we need to amend the Constitution, we should also provide those separate seats, so that they can have thirty-three per cent seats by increasing the number of seats. Today, there are no seats because we

have frozen it. So, these two aspects, these two laws, will have to be reviewed essentially. ...(*Interruptions*)...

श्रीमती माया सिंह (मध्य प्रदेश) : सर, मैंने यह कहा कि इसे जल्दी कर दीजिएगा, इसमें बहुत देरी हो रही है।

श्री हंसराज भारद्वाज : इसमें देरी हो रही है, लेकिन मेरी दो समस्याएँ हैं। एक तो यह है कि हमने कंस्टीट्यूशन में सीट को freeze कर दिया है, उसे बढ़ाने के लिए अभी गुंजाइश नहीं है। उसे दूर करना पड़ेगा। इसमें हमारी गवर्नमेंट की तरफ से एक High Power Committee बन चुकी है, जो विभिन्न दलों के साथ इस पर सहमति लाने की कोशिश कर रही है। उसे मैं ध्यान से देखूँगा, इस पर मेरी निगाह है कि इसमें क्या हो रहा है।

दूसरा यह है कि यह जो डिलिमिटेशन का प्रोसेस है, इसे हमने जल्दी-जल्दी कर दिया था। लेकिन आज हर राज्य से, आपके मध्य प्रदेश से, ट्राइबल पॉपुलेशन को वहाँ बहुत कम कर दिया गया है। वहाँ से बड़ी शिकायतें आ रही हैं। आप छत्तीसगढ़ में देखिए, कमजोर वर्गों का एक रिप्रिजेंटेशन है, नॉर्थ-ईस्ट का है, छत्तीसगढ़ का है, छत्तीसगढ़ है ही ट्राइबल स्टेट और बाकी दूसरे भी हैं। कर्नाटक में सारे अरबन एरियाज़ की सीट होकर एक शहर में आ गई हैं। गरीब लोग, जो गाँवों में, ग्रामीण अंचलों में रहते हैं, उनकी सीटों को हम कम कर रहे हैं। इसे भी हमें एक तरह से ध्यान से देखना पड़ेगा। हमारे देश की राजनीति ऐसी है कि हम ग्रामीण अंचलों की तरफ से निगाह दूर नहीं ले जा सकते। उन लोगों को कम-से-कम अपने एमपी, एमएलए भेजने का अधिकार रहना चाहिए। इसलिए मैं यह चाहता हूँ कि अगर सब दलों की सहमति हो जाए, तो हम इस पर पुनर्विचार करें। इसलिए डिलिमिटेशन एक्ट में ऐसा प्रावधान करें कि अगर रूरल एरियाज़ में 40 पर्सेंट, 30 परसेंट, 25 परसेंट का हैंडिकैप हो, तो उसे दे दें और अरबन की सीट और रूरल की सीट, दोनों, जो अभी चल रही हैं, वही चलती रहें। नॉर्थ-ईस्ट मे कुछ relaxation की मांग है, वह हम कर देंगे। ये बहुत सारे मुद्दे हैं। महोदय, कुछ अच्छे काम भी हुए हैं जैसे मंत्रियों की संख्या कम हुई, लेकिन नॉर्थ-ईस्ट में उस पर भी आक्रोष है। एक ट्राइबल कहता है यह मंत्री हमारा है नहीं, दूसरा कहता है, इन के दो हैं, हमारा नहीं है। तो इसे बड़ी गंभीरता से देखना पड़ेगा और इस रिजोल्यूशन से मुझे बड़ा बल मिलेगा। इस आधार पर मैं जाकर गवर्नमेंट को दोबारा कहूंगा कि अभी डिलिमिटेशन को फाईनल न मानें। यह मैं घोषणा जरूर कर सकता हूं। वहां का काम भले ही complete हो गया हो, लेकिन मैंने अपनी सरकार से अनुमति ले रखी है कि मैं सारे देश का डिलिमिटेशन एक साथ नोटीफाइ करूंगा। इसीलिए आप के वेस्ट-बंगाल में पुरानी सीट्स पर ही इलेक्शन हुए हैं। इसी तरह से पांडिचेरी में पुरानी सीट्स पर ही हुए हैं। अब आगे की जो डिलिमिटेशन की पद्धति होगी, वह सारे भारत के लिए एक साथ लागू होगी। मैं आप के जितने विचार आए हैं, उन को बड़े ध्यानपूर्वक समझकर, जहां तक कोशिश होगी उस को implement कर के तब डिलिमिटेशन को करूंगा। अगर हमारे माननीय सदस्य और हमारी Assemblies के सदस्य अगर इस से संतुष्ट नहीं हैं तो हमारा फर्ज है कि उन को संतुष्ट करें। इसलिए मैं आप का आभार प्रकट करता हूं।

SHRI SHANTARAM LAXMAN NAIK: Sir, elections to the Goa Assembly are due next year, in May. That is the reason for my concern.

SHRI H.R. BHARADWAJ: Sir, I have already suggested that all delimitation work would be notified in one go throughout the country, including the Assemblies. Therefore, I am keeping that notification in abeyance. I have already made it clear. Whether it is Goa or any other State, we shall go through the exercise. There are two points that are being considered seriously. One is, the demand from the weaker sections, and the other is, the urban-rural population. There are some suggestions, which are under consideration, and are at an advanced stage, and the Government is likely to take a decision in consultation with the political parties. Only then you will know whether we are accepting the delimitation, as is being accomplished now, or we resort to other guidelines. We may have to change the guidelines; Section 9 itself lays down the population criterion, which, according to me, is not a very sound criterion because this cannot be done in smaller States.

Therefore, I request my friend, Shri Narayanasamy, to accommodate me and allow me some more time so that I can resolve his difficulties! Thank you, Sir.

SHRI V. NARAYANASAMY (Pondicherry): Sir, I am very grateful to the hon. Minister for his very candid speech, and also the hon. Members of Parliament, who have participated in the discussion on this very important subject of bringing some amendment to the Delimitation Act. About twelve hon. Members, Shri Jesudasu Seelam, Shri Moinul Hassan, Shri J.P. Aggarwal, Shri Tarlochan Singh, Shri Sudarsana Natchiappan, Shri Laxminarayan Sharma, Dr. M.S. Gill, Dr. Gyan Prakash Pilania, Shri Janardhana Poojary, Prof. Ram Deo Bhandary, Shri Viplove Thakur and Shri Shantaram Laxman Naik have effectively participated in the discussion in this august House on this very important subject.

Sir, the hon. Minister has an open mind. I thank him and congratulate him that he has understood the problems that are being faced by various States while delimiting the constituencies in the light of complaints that have been received by him. The Delimitation Commission is fully aware of it as well.

Sir, the hon. Minister, in his reply, has stated very categorically that several representations have been received. Moreover, delimitation is being done now in the North-Eastern States; there are urban and rural constituencies. If delimitation is done there on the basis of population alone, there is going to be bias. Moreover, the hon. Minister has also

agreed that various aspects of smaller States have to be taken into consideration while delimiting the constituencies. The hon. Minister also admitted that there should be a fresh look into the subject matter, and if need be, with the assistance and help of all political parties, if the Government thinks fit, they can come up with an amendment or fresh guidelines so as to accommodate various States. Sir, I would like to quote two or three examples where the practical difficulties are there if the population is adopted as criteria. In fact, Sir, I told the hon. Minister in the last Session of Parliament, when I spoke on the subject, that in two constituencies, Pondicherry has got four regions. Hon. Minister is well aware of it. When there was pressure mounted on him to notify the delimitation on the basis of the new Delimitation, because election would be held in our State; recently elections were held in the month of May 2006, the hon. Minister said that after doing delimitation of all the States, it will be notified. I am grateful to the hon. Minister for that because if we do it State by State, there will be a lot of inconvenience to various States. Therefore, the hon. Minister took a right decision. Sir, in our State the delimitation has been done. There are 21 constituencies in Pondicherry. Six constituencies are in Karaikal which is 125 km. away from Pondicherry. There are another two constituencies which are 600 km. away from Pondicherry and one constituency is 700 km away from Pondicherry. So, Karaikal has six constituencies, Mahe near Kerala has two constituencies, Yanam near Andhra has one constituency. Since we were under French Rule, we continue to keep those regions as our territories. When the delimitation process started, when the population criteria was adopted, two constituencies of my region, which is a 100 per cent literate area, merged into one. Ultimately, there is hue and cry. People are agitating in Coorg district. If you reduce the constituencies only on the basis of population, there will definitely be agitation by the people because they have been getting their public representatives in those two regions and much population difference is not there. Therefore, I told the hon. Minister that this issue has to be considered. Now, I come to another region, that is, Karaikal region. On one side, we said that we should have strict population control; everybody is implementing it. On the other side, you say that constituency should be divided on the basis of population. One thing goes contrary to the other. Population is increasing in urban areas because of population explosion or because of the migration of people from the rural areas to urban areas for employment, for settlement or for business ...*(Interruptions)*...

4.00 P.M.

SHRI RUDRA NARAYAN PANY (Orissa): Population in urban area is increasing by infiltration from Bangladesh. Is it not a fact?

SHRIMATI VIPLOVE THAKUR: What is this? ...(*Interruptions*)... हमारे गॉव के लोग नही जाते हैं? ...**(व्यवधान)**...

श्री रुद्रनारायण पाणि : ...**(व्यवधान)**...तो फिर आप what is this कहेंगे ...**(व्यवधान)**... हम उसका भी कुछ उत्तर बताएँगे ...**(व्यवधान)**...

श्री वी0 नारायणसामी : उड़ीसा में infiltration ...**(व्यवधान)**...नहीं हो रहा है ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी): क्या आप यील्ड कर रहे हैं? ...**(व्यवधान)**...

SHRI V. NARAYANASAMY: We are not discussing infiltration; we are discussing only population. Why are you creating problem unnecessarily? We are discussing the issue of delimitation. He said that population alone should not be the criteria. There are other criteria also. Rivers are there; geography is there. There are so many other factors. It is not only population. Sir, there is another constituency in Madhya Pradesh from where earlier the hon. Minister was coming. Now, he is representing Haryana. In Hoshangabad Parliamentary constituency, there is only one Assembly segment of Hoshangabad district. That Parliamentary constituency has got five districts. One Parliamentary constituency has got five districts - Hoshangabad, Narsinghpur, Raisen, Sehore and Dewas. Total five districts are there in one Parliamentary constituency. It is humanly impractical for a Member of Parliament to go to every district headquarters to help his constituency people. There are seven assembly segments in five districts. This is the anomaly which I want to bring to the notice of the hon. Minister. That being the case, that Member cannot go to every district headquarters to get the work done for his constituency people. It should be for the purpose of helping and assisting the people of that area who are voting for that elected representative. Therefore, I want the hon. Minister to consider this. Sir, several hon. Members have raised several queries, several technical questions, several practical questions and also the ground realities have been explained by the hon. Members. One issue which Mr. Shantaram Naik raised is a very vital issue, initially, the Delimitation Commission mainly depended upon the State. In the State administration, if it is by a particular political party, the mapping is being drawn on the basis of the directions given by the State. There should not be any interference

by the State administration in delimiting the constituencies by the Delimitation Commission. I would like to say this point very clearly to the hon. Minister because when it suits the ruling party, they take advantage of it. Let it be done by the Delimitation Commission. Even if they want more staff for the purpose of doing the delimitation work, let them take it. But they are solely depending upon the State Election Commission for the purpose of drawing up boundaries of the constituencies. This is my complaint to the hon. Minister. Secondly, when we come to the question of the elected representatives, there are three people in it, the Chairman of the Delimitation Commission, one of the Election Commissioners from the Election Commission of India and a person from the State Election Commission. Three people are there. They have got the voting right. And, the people who are representing as public representatives, the hon. Members of Parliament, or, the hon. Members of the Legislative Assemblies, they are only associate members. They can only go there and suggest ways and means as to how the delimitation has to be carried out. I have got a difference of opinion as far as the procedure that has been adopted is concerned. You should have equal members. When the question of the Members of Parliament or the Members of the Legislative Assemblies comes, all the political parties are represented in the Delimitation Commission. They should have their voice. Their views have to be heard effectively. Since they are only associate members, whatever representations they give, they are only considered and not implemented. These are not implemented by the Delimitation Commission. This is another complaint that I have about the Delimitation Commission, because the Delimitation Commission has been mentioned as a body which has been created by the Parliament. The village people represent in this Parliament. And, when the elected representatives, who are Members of Parliament, give their view, it cannot be ignored; it should not be ignored. They give it in the interest of the State or in the interest of the political parties. All the political parties are represented. That means the Delimitation Commission is not giving due regard to the elected representatives who are representing in the Delimitation Commission. This I have to infer from that. Therefore, Sir, I want the hon. Minister, the voting right, when it comes on the question of division, should be given to the members of the Delimitation Commission who are the associate members. I would like to put this point before the hon. Minister. Sir, I am grateful to the hon. Minister. He has taken keen interest. He has been talking to all of us because whenever there is any problem in the Delimitation Commission, we used to meet him, we used to

meet the Delimitation Commission and explain them. But, Sir, the overall procedure, which is being adopted, is not acceptable to most of the States. Most of the States are not accepting the procedure that is being adopted in delimiting the constituencies. This is a major issue I would like to bring to the notice of the hon. Minister. I am very glad, and I am thankful to the hon. Minister that he has openly said that it has to be reviewed. He has said that the change of guidelines may be considered by the Government. Secondly, he said that he would like to go for the consensus of all political parties. The hon. Minister was candid enough and directly accepted that the flaw would be rectified. I am grateful to him personally and also as Member of this House. I want it to be done as early as possible, because the Delimitation Commission is moving very fast. The final hearing of the public is over in most of the States. Now they are sitting with the associate members. Whenever we go to various States, associate members come to us. Their views are being heard, but they are not being reflected in the Commission's Report. Therefore, Sir, I request the hon. Minster that the decision to have the change in guidelines, acceptable to most of the political parties, may kindly be taken as early as possible. This I would like to submit to the hon. Minister. I thank the hon. Minister for giving a very positive reply. Since an assurance has been given by the hon. Minister, I withdraw the Resolution moved by me in this august House. It is a very important Resolution. This has been in the minds of all the hon. Members of Parliament and also public. All the points have been clarified by the hon. Minister. I am grateful to him. I am withdrawing the Resolution. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Does he have the leave of the House to withdraw the Resolution?

SOME HON. MEMBERS: Yes, Sir.

The Resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Now, the hon. Minister, Shri Pawan Kumar Bansal, is to make a statement. Does the House agree?

SOME HON. MEMBERS: Yes, Sir.